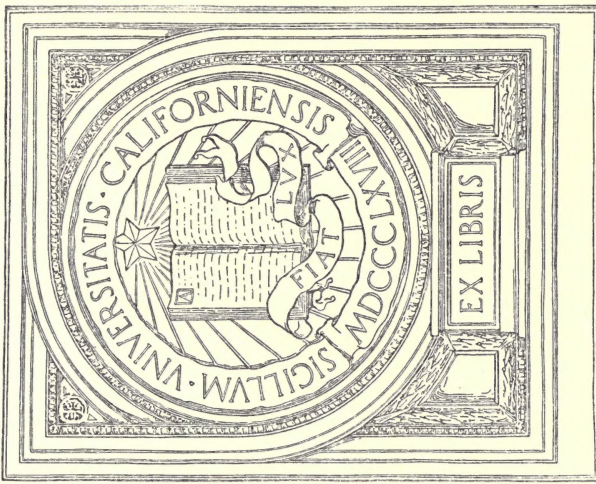


Douglas Map with Mexico

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SPEECH

OF

HON. S. A. DOUGLAS, OF ILLINOIS,

ON

THE WAR WITH MEXICO,

AND

THE BOUNDARY OF THE RIO GRANDE.

DELIVERED

IN THE SENATE OF THE UNITED STATES, TUESDAY, FEBRUARY 1, 1848.

WASHINGTON:
PRINTED AT THE CONGRESSIONAL GLOBE OFFICE.
1848.

STATION

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1850

HON. S. A. DOUGLAS, OF ILLINOIS,

1850

THE WAR WITH MEXICO,

1850

THE COURAGE OF THE TWO GRANDE,

1850

IN THE HISTORY OF THE UNITED STATES, FEBRUARY 11, 1850

1850

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THE WAR WITH MEXICO, &c.

On the Bill to raise, for a limited time, an additional Military Force.

Mr. DOUGLAS said: I hope it will not be inferred from the array of books with which I am surrounded, that I intend subjecting the Senate to the infliction of hearing them read. My only object in bringing them here is, to be enabled to respond at once to inquiries, if any should be made, as to the authority upon which my statements of fact may be predicated. I shall state no fact for the accuracy of which I have not the most conclusive authority in the books before me. I regret that I did not conclude to participate in the discussion at a period sufficiently early to have enabled me to make the requisite preparation. If I had done so, I should have been able to compress what I have to say within a much smaller compass, and to have said it in a manner more satisfactory to myself and more intelligible to the Senate. I had supposed that the only question presented by the bill was, to determine whether the additional force provided for was necessary for the prosecution of the existing war to a speedy and honorable termination. The war has been in progress nearly two years. Its legal existence was recognized on the 13th of May, 1846, and it existed, in fact, prior to that time, as the official reports of the battles of Palo Alto and Resaca will show. The campaign of 1846 resulted in a series of the most brilliant victories that ever adorned the arms of any nation. States and territories were overrun and subjected, equal in extent to one-half of the Mexican Confederacy. California, New Mexico, Chihuahua, Coahuila, New Leon, and Tamaulipas, besides many important towns and cities in other States, were reduced to our possession. The official reports of these conquests are to be found in the published documents of last session. The President of the United States, in his message at the beginning of that session, gave us a succinct history of the progress of our arms in these several Mexican provinces, and suggested the propriety of "providing for the security of these important conquests, by making an adequate appropriation for the purpose of erecting fortifications, and defraying the expenses necessarily incident to the maintenance of our possession and authority over them." In the same message he referred to the three-million appropriation which he had asked for at the previous session, and renewed the recommendation. He referred to the appropriations which were made in anticipation of the Louisiana and Florida treaties as precedents in this case, and adds, that "it was in contemplation, at the time those appropriations

were made, to acquire Louisiana from France, and to purchase the Floridas from Spain, and that they were intended to be applied as a part of the consideration which might be paid for those territories." Upon this exposition of the progress of the war, and of the policy of the Government in reference to it, the President asked for more men and money, for the purpose of conducting a campaign into the very heart of Mexico—of reducing her capital, and of holding possession of the whole country, until she should accede to such terms of boundary and indemnity as we should deem just and honorable. The men and money were freely voted, including the three-million appropriation, which was intended to be applied in part payment—the first instalment, for instance—for such territory as we might acquire from Mexico in a treaty of peace, in addition to what should be deemed adequate remuneration for the expenses of the war, and indemnity to our citizens. I shall excite no surprise, therefore, when I say, that I was not prepared to hear this unqualified denunciation of the war and of the recommendations of the President for its vigorous prosecution—especially from those Senators who voted for all the war measures of last session and the preceding one. I was not prepared to hear them denounce the war as unjust, unnecessary, and unconstitutional—much less as a war of conquest, of rapine, and robbery. We have heard these denunciations, within the last few days, poured forth from the lips of Senators with a solemnity that would seem to carry conviction, at least to the minds of those who made them, that they were well merited; and, what is more astonishing, we have heard them from Senators who, by their votes, if not their speeches, have sustained every war measure which has passed since hostilities first commenced by the act of Mexico. They now contend, not only that the war was unnecessary and unconstitutional, but that the President of the United States is the sole author of the iniquity. Do gentlemen suppose that they can throw the responsibility of their own acts upon the President of the United States? Do they imagine that they can make the people believe that the Executive is alone responsible for all the consequences that may flow from the faithful execution of the laws which they enact, and, under the Constitution, compel him to execute? If it be a war of iniquity and injustice, you are the transgressors! If it be a war of robbery, you are the robbers! If it be a war against and in violation of the Constitution, yours is the treason! You voted for it, under the solemnity of your

oaths. You voted the men and the money. You voted to recognize the legal and constitutional existence of the war. You helped to pass the law, and made it the sworn duty of the President to see it faithfully executed. It is your war, as much as his and ours; and you will not be permitted to escape your share of its responsibility, while you participate in the credit which you claim from having given it your support. I do not intend to cast any unkind reflections upon any Senator, but I do think that I am fully justified by the record in the observations which I have just made. It would seem that a great discovery has recently been made—that the Congress of the United States has been acting under an entire misapprehension in regard to the nature and character of this war. We are now told that the President has changed his ground, and now assigns causes and reasons totally different and inconsistent with those which he gave at the last and preceding sessions; that the causes then were, “that American blood has been shed upon American soil;” the reasons now given for its prosecution are, “indemnity for the past and security for the future.” The Senator from Delaware has made these two extracts from the President’s messages the subject of much mirth and wit. He has told us that indemnity for the past means one-half of Mexico, and security for the future the other half. Convinced by this wonderful discovery that his efficient support of this war has been yielded under a fatal delusion as to its true character and objects, he feels constrained, now that he has recovered his mental vision, to make atonement for the past by withholding supplies in future. I cannot concede that there has been any change in the line of policy originally announced by the Executive and supported by his friends on this subject. We stand where we then stood. The causes and the objects of the war remain unchanged. They were then, and are now, comprised in the two brief extracts which have been so frequently quoted—“American blood has been shed upon American soil;” “Indemnity for the past and security for the future.”

In the President’s message of the 11th of May, 1846, in pursuance of which the original act recognizing the existence of a state of war was passed, he referred to “the grievous wrongs perpetrated by Mexicans upon our citizens, throughout a long period of years, remaining unredressed”—“solemn treaties pledging her public faith for this redress having been disregarded”—“our commerce with Mexico having been almost annihilated—our merchants having been deterred from prosecuting it by the system of outrage and extortion which the Mexican authorities have pursued against them, while their appeals, through their own Government, for indemnity have been made in vain.”

These outrages upon our flag and citizens had been so enormous, that General Jackson, during his Presidential term, felt himself constrained to call the attention of Congress to them in a special message, and to express his decided opinion that they were sufficient, at that time, to justify immediate war. They continued with renewed insult and injury under Mr. Van Buren’s administration, and he, too, expressed similar opinions to Congress upon the subject. The appropriate committees of both Houses of Congress, as near as I now recollect, made reports in which they fully concurred with the Executives in the opinions they

had expressed as to the nature and extent of the outrages, and the justice of the remedy suggested. Congress allowed their sympathy for the weakness and degradation of a nominal sister republic to prevail over their sense of duty to the citizens and flag of our own country. Had we acted with the promptness which characterized the British and French Governments in cases precisely similar, we should have taught Mexico a lesson long ago, which would have deterred her from acts of hostility upon this country, and saved us the precious blood and treasure which have been so freely poured out in this war. The descent of the French fleet upon Vera Cruz, and the capture of the famous castle of San Juan de Ulua, for some of these very outrages committed indiscriminately upon French and American citizens, are familiar to the Senate. We all remember that the indemnity and satisfaction were forthcoming on the day appointed by the French Admiral. England, whose subjects had suffered in conjunction with those of France and our citizens, made her demand, accompanied with the notice, that if it was not promptly responded to, her fleet would immediately sail from the Jamaica station. The money was paid, because the demand was made in a tone that Mexico could understand. America spoke, as one sister would speak to another, in a voice of kindness and sisterly affection, but it fell upon Mexican ears as an unknown tongue. Mexico, mistaking our magnanimity for pusillanimity, treated our complaints with contempt, and our remonstrances with defiance.

The President of the United States, in the message to which I have referred, spoke of these things as just ground of complaint and indemnity, but not as the causes of the existing war. For he informed us that the war existed by the act of Mexico—that the Mexican army had “invaded our territory, and shed American blood upon American soil.” The precise spot is not stated, but the locality is well known to have been on the left bank of the Rio Grande, opposite, and not far from, Matamoros. Then and there the war actually commenced, the Mexican army making the attack—the commanding-general having, on the morning of the same day, given notice to General Taylor that “he considered hostilities commenced, and should prosecute them.” This was on the 24th of April, 1846. The battle of Palo Alto was fought on the 8th, and Resaca de la Palma on the 9th, of May. Congress recognized the existence of the war, and placed at the disposal of the President ten millions of money and fifty thousand volunteers, besides the army, the navy, and the militia of the United States, for its vigorous prosecution. The law passed almost unanimously, there being only fourteen dissenting voices in the House, and two in the Senate. If the war is unconstitutional now, I suppose it was equally so then; and if it was unconstitutional then, it must necessarily be so now, unless that law legalized it, or (if I may be allowed to invent a more impressive term,) constitutionalized it. In either event, Congress sanctioned it by a vote almost unanimous, irrespective of party distinctions; and confirmed it by furnishing men and means to an almost unlimited extent. I now submit it to the consciences, as well as the patriotism, of Senators who voted for that law, if they are not estopped from saying that the war is either unjust, unnecessary, or unconstitutional?

But I will return to the recently-made discovery, that the President has changed his grounds in regard to the causes of the war, and the objects for prosecuting it. I have shown that the causes which produced it remain unchanged, and that the President set forth the insults to our flag, and the injuries to our commerce and citizens, as grievances to be redressed, in the message to which the act of the 13th of May, 1846, was a patriotic response. I now wish to invite the attention of the Senate—especially those Senators who have hitherto supported the war, and now oppose it upon the ground that the President has recently shifted positions by setting up a claim for indemnity—to the following extracts from a document which was sent to General Taylor, from the War Department, on the 4th of June, 1846, and by him promulgated to the Mexican people:

"A Proclamation by the General commanding the Army of the United States of America, to the people of Mexico:

"After many years of patient endurance, the United States are at length constrained to acknowledge that a war now exists between our Government and the Government of Mexico. For many years our citizens have been subjected to repeated insults and injuries, our vessels and cargoes have been seized and confiscated, our merchants have been plundered, maimed, imprisoned without cause and without reparation. At length your Government acknowledged the justice of our claims, and agreed by treaty to make satisfaction, by payment of several millions of dollars; but this treaty has been violated by your rulers, and the stipulated payments have been withheld. Our late effort to terminate all difficulties by peaceful negotiation has been rejected by the dictator Paredes, and our minister of peace, whom your rulers had agreed to receive, has been refused a hearing."

This is the first statement which our Government ever made to Mexico, of the purposes for which the war she had made upon us, was to be prosecuted on our part.

Let me read another extract from the same document—it is a choice morsel:

"We come to obtain reparation for repeated wrongs and injuries; we come to obtain indemnity for the past and security for the future."

The identical words which have frightened the Senator from Delaware from his propriety, if not his duty; and which, when found in the President's late message, have converted the Senator from a firm friend to an irreconcilable opponent of the war, upon the ground that they furnish evidence of a change of policy on the part of the Executive! If indemnity for the past means one-half of Mexico, and security for the future the other half, why did not the Senator then see as clearly as he now sees, that it was the object of General Taylor, as well as the President, to conquer and hold the whole of Mexico? Why did he not then, as well as now, denounce the war as a stupendous scheme of rapine and robbery? Again, sir, it will be remembered, as I have already remarked, that the official reports, containing the detailed history of our conquests in California, New Mexico, Coahuila, New Leon, Tamaulipas, and Tabasco, were before us at the last session of Congress. We also had before us at the same time the voluminous correspondence between the Departments of War and Navy, and our generals and commodores commanding our armies and navies in Mexico, and upon her coast. The Senator from North Carolina, who favored the Senate with his views a few days ago, quoted largely from that correspondence, as published in the documents of the last Congress, to show that the President designed from the be-

ginning to conquer and hold a large portion of the territory of Mexico. He felicitated himself that he had established this position beyond all controversy, by extracts from the instructions of the Navy Department to Commodores Conner, Sloat, and Stockton, and from the War Department to Generals Taylor and Kearny. Indeed, all the arguments upon which Senators rely to prove that this is a war of conquest and robbery, repugnant to the genius, and fatal to the permanence of our institutions, are founded upon information communicated at the last session, and which was, or ought to have been, as familiar to them then as now. Besides, sir, the fact that the President, at the opening of the last session, renewed his recommendation of the three million bill, with the distinct intimation that it was intended as the first instalment, in part payment of whatever territory we might acquire from Mexico by a treaty of peace and limits, after deducting all claims for indemnity, was sufficient notice that the Executive did, at that time, contemplate a cession of territory by Mexico, to the value of three millions of dollars at least, over and above the indemnity for injuries to our citizens, and the expenses of the war. Thus, with a full knowledge of the origin and history of the war—of the extent of our conquests, and the line of policy in reference to its further prosecution, the war bills of the last session were passed, making liberal provision in men and means, not only for holding what we had conquered, but for making new conquests in the very heart of Mexico. These bills received the cordial and powerful support of Senators, who now tell us that we ought to withhold all further supplies, because the President has changed his whole policy, and converted it into a war of conquest.

Sir, I do not understand that it is, or at any time has been, a war of conquest, in the proper sense of that term, much less a war of robbery. It is a war of self-defence, forced upon us by our enemy, and prosecuted on our part in vindication of our honor, and the integrity of our territory. The enemy invaded our territory, and we repelled the invasion, and demanded satisfaction for all our grievances. In order to compel Mexico to do us justice, it was necessary to follow her retreating armies into her territory, to take possession of State after State, and hold them until she would yield to our reasonable demands; and inasmuch as it was certain that she was unable to make indemnity in money, we must necessarily take it in land. Conquest was not the motive for the prosecution of the war; satisfaction, indemnity, security, was the motive—conquest and territory the means.

Mr. President, I cannot dwell longer on the inconsistencies in which gentlemen on the opposite side involve themselves. I have already dwelt too long on these preliminary questions. I must proceed at once to the main point of my argument. I propose to examine the question, whether, on the 24th of May, 1846, American blood was shed on American soil by the Mexican army. That the Mexican forces crossed the Rio Grande on that day—attacked and killed American soldiers stationed on the left bank, is conceded. But it is denied that the left bank of that river was American soil; or, in other words, that the Rio Grande was the boundary line between Mexico and the United States, after the admission of Texas into the Union. It

is my present purpose to establish the affirmative of this proposition.

I will premise, that, in my judgment, a radical error has generally obtained in regard to the character of the revolution which resulted in the establishment of the Republic of Texas. It seems to have been generally supposed that Texas rebelled against the constitutional authorities of Mexico, and, by means of a successful revolution, established her independence. No such thing. Texas never rebelled—never revolted. Precisely the reverse was the fact. A few military leaders, with Santa Anna at their head, conspired and rebelled against the Republic of Mexico—seized the reins of government—abolished the Federal Constitution and the State governments—and established a military despotism in their stead. That rebellion, which commenced in the city of Mexico, assumed the dignity of a successful revolution, and by the aid of the army extended its power from State to State, until it had reduced to subjection all that portion of the Republic of Mexico which lies to the south and west of the Rio Grande. The people on this side of the Rio Grande took up arms in defence of the constitutional government of the Republic of Mexico—State and Federal—maintained their authority, and limited and confined the power of the revolutionary government to the right bank of that river. To show that I am clearly right in this position, it will be necessary for me to refer somewhat in detail to the most prominent facts connected with the history of Texas, as well as the revolution which led to the establishment of that Republic. From the date of the Louisiana treaty in 1803 to that of the Florida treaty in 1819, this Government uniformly claimed the Rio Grande as the western boundary of the United States. In 1805, Messrs. Monroe and Pinckney declared to the Spanish minister, that the United States considered their title to the Rio Grande as complete, under the Louisiana treaty, as to the island of New Orleans. As late as 1818, Mr. Adams, Secretary of State under Mr. Monroe, after carefully reviewing all the evidences of title, referring in detail to all the musty records, maps, and geographies of France and Spain, as well as England, affirmed the proposition that our title was as good to the Rio Grande as to the island of New Orleans. In the mean time, and before the cession of the country between the Sabine and the Rio Grande to Spain by the Florida treaty, many American citizens had emigrated to that territory, in the full confidence that the Government of the United States intended to maintain its claim to the country, and that they would be protected in the enjoyment of their rights as American citizens. When they found themselves abandoned by their own Government, and by a treaty stipulation converted into the degraded subjects of a foreign prince, they instantly raised the standard of rebellion, protested against the ratification of the treaty, and proclaimed their firm resolve, in case it should be ratified, to free themselves by force of arms from Spanish dominion. The treaty was finally ratified in 1821, and the same year these Americans in Texas joined the Mexicans in a revolt, the object of which was, to throw off the Spanish yoke and establish for themselves a republican government similar to our own. The revolution was successful, and on the 4th day of October, 1824, the Federal con-

stitution of the Republic of Mexico was adopted. During the revolution a provisional government had been established, for the purpose of affording protection to the inhabitants, and giving energy and proper direction to their patriotic efforts in behalf of freedom. By an act of this provisional government, Texas, with her own consent, had been temporarily united with the province of Coahuila, with this limitation, "until Texas possesses the necessary elements to prove a separate State of herself." In 1820, after the Florida treaty had been signed, and before the revolution broke out, Moses Austin had procured from the Spanish authorities a grant of land upon which he was authorized to locate a colony of emigrants. He having died before the conditions of the grant could be complied with, his son, Stephen F. Austin, procured its renewal and confirmation by the revolutionary authorities the next year, and proceeded to establish his colony under the protection of the provisional government. I have called the attention of the Senate to these facts, for the purpose of showing that the early American settlers in Texas were not a lawless band of intruders, who had forced their way into the country, in defiance of the laws and constitutional authorities. With the same view I will read the first section of the colonization law of the State of Coahuila and Texas, passed March 24, 1825:

"All foreigners, who, in virtue of the general law of the 28th August, 1824, which guarantees the security of their person and property, in the territory of the Mexican nation, wish to remove to the settlements of the State of Coahuila and Texas, are at liberty to do so; and the said State *invites and calls* them."

Yes, sir, the State of Coahuila and Texas, in pursuance of the colonization law of the Federal Government, "invites" and "calls" foreigners to come and settle within its limits. She went further, and offered large tracts of land as inducements to come, and conferred all the rights and privileges of citizenship upon every emigrant who might respond to the call. On the 11th day of March, 1827, the constitution of the State of Coahuila and Texas was adopted. It had been formed in conformity with the Federal constitution, and in pursuance of an act of the Federal Congress. This State constitution, and the constitution of the Republic, may be considered as the articles of compact—the bond of union—between the State and the Confederation. They contain the terms and the conditions upon which the State of Coahuila and Texas constituted a member of the confederacy. I have these two instruments before me, and will invite the attention of the Senate to the first five articles of the constitution of the State of Coahuila and Texas:

ART. 1. The State of Coahuila and Texas is the union of all the *Coahuiltecos*.

ART. 2. It is free, and independent of the other Mexican States, and of every other power and dominion whatsoever.

ART. 3. The sovereignty of the State resides originally and essentially in the general mass of the individuals who compose it; but they shall not, of themselves, exercise any other acts of sovereignty than those pointed out in this constitution, and in the form which it provides.

ART. 4. In all subjects relating to the Mexican Confederacy, the State delegates its powers and rights to the general Congress of the same; but in all that belongs to the internal government and administration of said State, it retains its liberty, independence, and sovereignty.

ART. 5. Wherefore, the right of establishing its fundamental laws through the medium of its representatives, in conformity to the basis established in the constitutive act and general constitution, belongs exclusively to the said State.

These were the conditions upon which the Texans became citizens of the Mexican confederacy, and were the terms alone upon which they could be required or expected to continue such. They had been invited and called there, through the colonization laws, with the guarantee that they should be protected in the enjoyment of all their rights as citizens, agreeably to the forms of the constitution. They were "free and independent of the other Mexican United States, and of every other power and dominion whatsoever." They continued true and law-abiding citizens, faithful to the constitution of the State and the confederation until their seat of government was invaded about the 1st of June, 1835, by a revolutionary army from the city of Mexico, a portion of the members of the Legislature, which was then in session, captured and imprisoned, and the rest compelled to save their lives by flight, and seek a place of refuge on this side of the Rio Grande. The inhabitants between that river and the Sabine instantly took up arms in defence of their liberties and republican institutions, and for the purpose of checking the progress of the invading revolutionary army. For the purpose of concentrating their forces, and giving energy and a proper direction to their patriotic efforts, they assembled in convention on the 3d of November, 1835, and, after making a "solemn declaration" of the causes which had compelled them to take up arms, proceeded to organize a provisional government. I will read the first and the concluding paragraphs of this declaration:

"Declaration of the People of Texas, in General Convention assembled.

"Whereas, General Antonio Lopez de Santa Anna and other military chieftains have, by force of arms, overthrown the Federal institutions of Mexico, and dissolved the social compact which existed between Texas and the other members of the Mexican Confederacy; now, the good people of Texas, availing themselves of their natural rights,

"SOLEMNLY DECLARE,

"1st. That they have taken up arms in defence of their rights and liberties, which are threatened by the encroachments of military despots, and in defence of the republican principles of the Federal Constitution of Mexico."

"These declarations we solemnly avow to the world, and call God to witness their truth and sincerity, and invoke defeat and disgrace upon our heads, should we prove guilty of duplicity."

Now, sir, I propose to invite the attention of the Senate to the state of things then existing in the city of Mexico, and to trace the causes which had rendered it necessary for the Texans to take up arms in defence of the constitution and liberties of the Republic of Mexico, which were in danger of being overthrown by military despots. In 1834, Santa Anna, who had been elevated to the Presidency by the military power, (deposing Bustamante, the acting President, who had become very obnoxious to the people,) and had subsequently been confirmed in his seat by a popular election, proceeded to execute the design he had formed of subverting the constitutional government of Mexico, and of establishing a military despotism in its place. In May of that year he dissolved the constitutional Congress by a military order, and at the same time by a similar order abolished the "council of government." This council was composed of one senator from each State, and was required, by the constitution, to remain in session during the recess of Congress, to act as the advisers of the President of the Republic, and to "see that the constitution is strictly observed." The council of government was invested with various other pow-

ers and duties, which will be found in the fifth section of the constitution of 1824, which I hold in my hand, and would invite the attention of Senators to 113th and 116th articles, but will not take the time to read them.*

I will here read a short extract from Mrs. Holley's "Texas," to show how these changes in the government were effected, and a new Congress assembled:

"The constitutional General Congress of 1834, which was decidedly republican and federal, was dissolved in May of that year, by a military order of the President, before its constitutional term had expired. The council of government, of half the Senate, which, agreeably to the constitution, ought to have been installed the day after closing the session of Congress, was also dissolved; and a new, revolutionary, and unconstitutional Congress was convened by another military order of the President. This Congress met on the 1st of January, 1835."

One of the first acts, if not the very first, of the new Congress, was to depose the constitutional Vice President, Gomez Farias, and to substitute in his place General Barragan, one of Santa Anna's co-conspirators. The next act of this revolutionary Congress is thus stated by Mrs. Holley:

"By another decree it united the Senate with the House of Representatives in one chamber, and, thus constituted, it declared itself invested with full powers as a national convention. In accordance with these usurped powers, it proceeded to *annul* the Federal Constitution and system, and to establish a central or consolidated government."

I also hold in my hand another work—"A History of South America and Mexico," by a distinguished member of this body—in which the facts of this revolution are recorded with great clearness and precision. I read from Niles's History of Mexico:

"Pronunciamentos were again resorted to; these were now made to favor centralism, and on the strength of these resolutions of town meetings, manufactured by order of the bishops of each diocese, Congress proceeded to *abolish the constitution of 1824, ABOLISHING AT THE SAME TIME ALL THE STATE CONSTITUTIONS AND STATE AUTHORITIES.*"

I will read another paragraph, to show the precautions which were taken by the usurpers to coerce the acquiescence of the people in the military despotism which they were about to establish on the ruins of the republican system:

"Symptoms of opposition having been exhibited in some of the States against this act of Congress, levelling the whole structure of their State Governments, and in fact annihi-

***SECTION 5th.—Of the Council of Government.**

113. During the recess of Congress there shall be a Council of Government, composed of one-half of the members of the Senate, one for each State.

116. The attributions of this Council are the following: First, to see that the constitution is strictly observed, and the constitutional acts and general laws, and to give their advice in any incident relative to these objects. Second, to lay before the President any observations conducive for the better compliance of the constitution and laws of the Union. Third, to determine of themselves only, the advice of the President, the calling of extraordinary sessions of Congress; but in either, it shall require the vote of two-thirds of the councillors present, as stated in attributions 17 and 18 of article 110. Fourth, to grant their consent to the calling out of the local militia, in the manner stated in article 110, attribution 11. Fifth, to approve the appointment of officers designated in attribution 6, article 110. Sixth, to give their consent in the case referred to in article 112, restriction first. Seventh, to name two individuals who shall, in conjunction with the Chief Justice of the Supreme Court, provisionally exercise the supreme executive power, as prescribed in article 97. Eighth, to administer the oath stated in article 101 to those individuals of the supreme executive power, in the terms provided in this constitution. Ninth, to give their opinion on subjects referred to them by the President, by virtue of the 21st faculty of article 110, and all business wherein he may consult them.

lating the very name of State, provision was made by Congress for a large increase of the standing army, and a considerable force was ordered to be permanently quartered in each State, under the command of the new Governors now to be appointed by the President."

The decree for the establishment of the new government bears date the 3d of October, 1835, and is "formed upon the plan of Toluca for a basis." I have no less than three other histories before me, in which the same transactions are recorded, and all agree on every material point. I will read from them if any Senator shall desire it. The presence of the military kept the people in subjection, and the revolution was complete so far as the capital was concerned. Its power extended in every direction. State after State submitted unconditionally before the march of the revolutionary army, until it took up its position on the borders of Zacatecas! Here, for the first time, it met with formidable opposition. Alvarez, the republican Governor of that State, had raised an army of five thousand men, and awaited the approach of the revolutionists, for the purpose of deciding the fate of the Republic, its constitution and liberties, by the wager of battle. Santa Anna, who commanded his troops in person, knew too well the character of these stern republicans to hazard his life and fortunes upon the issue of an engagement with them. They had fought with him and under him in achieving the liberties of the country—they had been his main reliance in many a hard-fought battle in resisting the encroachments of despotism—they had been instrumental in his elevation to the Presidency, under the conviction that he, who had contributed so much to achieve, would exert himself to preserve their liberties. He feared, as well he might, a trial of strength with such men in such a cause. In this emergency he resorted to his usual recourse—stratagem. Several of his most reliable officers in the revolutionary army deserted their posts, effected their escape, and joined the patriots, with the avowed purpose of fighting in defence of the constitution. They tendered their services to command the patriot army, and unfortunately the offer was accepted. They marched the Zacatecas out to meet the enemy, and placed them in a position where Santa Anna surrounded and murdered more than one-half of them before the rest were aware of the treachery of their officers. The slaughter was indiscriminate, and continued for two entire days. It was not confined to those who bore arms. The streets of the city of Zacatecas were deluged in blood. The unoffending citizens shared the fate of those who had engaged in battle. Even foreigners, who had taken no part in the contest, were not permitted to escape the general massacre.

Those who survived, now submitted unconditionally to the power of the usurper, and no further resistance ensued. The revolutionary army now turned its course towards Monclova, the seat of government for the State of Coahuila and Texas, for the purpose of chastising the Coahuiltecos for their obstinacy in adhering to the republican constitution. The Legislature of that State had solemnly protested against those revolutionary movements, and announced its determination to sustain and enforce the constitution and form of government which all were sworn to support. For this offence, General Cos, the brother-in-law of Santa Anna, dispersed the Legislature by military force, captured and imprisoned a portion of

the members, while the others only saved themselves by fleeing across the Rio Grande. The Senate will pardon me for reading a single paragraph on this point from the report of General Austin to the Texas convention, on the 30th of November of that year:

"The constitutional authorities of the State of Coahuila and Texas solemnly protested against the change of government, for which act they were driven by military force from office, and imprisoned. The people of Texas protested against it, as they had a right to do, for which they have been declared rebels by the Government in Mexico."

Prior to the capture of Monclova, and in anticipation of such an event, the Legislature had authorized Governor Viesca to remove the archives of State, and convene the representatives of the people at such point on this side of the Rio Grande as he should designate. General Cos pursued and captured the Governor and archives, together with the gallant Colonel Milam, who afterwards fell so gloriously while storming San Antonio, and threw them into prison. At this period the actual war commenced between the republicans on this side of the Rio Grande, and the revolutionists from the other side: the former fighting in defence of their State and Federal constitutions, and the latter for their total overthrow. There is no room for controversy as to the causes of that war, and the objects to be attained by the triumph of the one party or the other. It was a direct issue between constitutional republicanism and military despotism. The revolution had already been successful to the right bank of the Rio Grande, and its victorious armies were now preparing for new conquests on this side of that river. The republicans instantly seized their arms and attacked the garrisons, which the usurper had taken the precaution to station at various points, for the purpose of overawing the people and holding them in subjection to the new government which he was about to establish. All their early efforts were crowned with success. Victory perched upon their banners at every point. Gonzales, Conception, Goliad, San Patricio, and finally San Antonio—all surrendered to the republicans before Christmas. While these important movements were being enacted in the field, the republicans had not been unmindful of the necessity of establishing a provisional government, to combine and consolidate their resources, and give force and direction to their efforts. After the capture and imprisonment of Governor Viesca, who had been authorized by the Legislature to assemble the representatives of the people at such point as he should designate, they were left to select their own time and place of meeting. They did assemble at San Felipe de Austin on the 3d day of November, 1835, and put forth the "solemn declaration," to which I have already called the attention of the Senate, and proceeded to form a provisional government. In that declaration, it should be born in mind, they state distinctly that they had taken up arms in defence of the republican principles of the constitution of 1824. The revolutionary army, under General Cos, had passed the Rio Grande and marched upon San Antonio, and a republican army was immediately organized and sent to repel the invaders. I will not weary the Senate with the details of the movements on the plains of San Antonio. The gallant conduct of the heroic Milam, in leading the storming party into the very heart of the city, and his fall, just as victory was within his

grasp, have commanded the admiration and sympathy of his countrymen. The next in command finished the work which had been so gloriously commenced, and General Cos and his entire army became prisoners of war to the republicans. I hold in my hand the terms of capitulation entered into on the 11th of December, 1835, and invite the especial attention of Senators to the articles which I shall read :

"Capitulation entered into by General Martin Perfecto de Cos, of the Permanent Troops, and General Edward Burleson, of the Colonial Troops of Texas."

"1st. That General Cos and his officers retire, with their arms and private property, into the interior of the Republic, under the parole of honor; that they will not in any way oppose the reëstablishment of the Federal Constitution of 1824.

"3d. That the General take the convicts brought in by Colonel Ugartechea beyond the Rio Grande.

"14th. General Burleson will furnish General Cos with such provisions as can be obtained, necessary for his troops to the Rio Grande, at the ordinary price of the country."

Such was the fate of the first revolutionary army that invaded Texas—defeated, captured, and dependant upon the generosity of the Texans for provisions to enable them to return to their own country. But there are two important points in these articles of capitulation, which we should constantly bear in mind while discussing the boundary of the Rio Grande. The first is, that General Cos and his army were released upon the condition "that they will not in any way oppose the reëstablishment of the Federal Constitution of 1824;" and secondly, that they should retire into the interior of the Mexican Republic, taking with them the convicts "beyond the Rio Grande," being furnished with supplies by General Burleson to that river. The preliminary conditions were complied with on both sides, and here ended the first Mexican campaign into Texas. There was not a Mexican garrison nor a Mexican soldier left on this side of the Rio Grande. One campaign had placed the whole country in the acknowledged and undisputed possession of the Texans. The withdrawal of the enemy's troops gave the Texans time for deliberation to devise and establish for themselves a more perfect government. On the 2d day of March, 1836, they adopted "the unanimous declaration of independence;" and on the 17th of the same month, they signed and published the constitution which I hold in my hand. It is the "Constitution of the Republic of Texas;" which, on all essential points, conforms to the principles of the Mexican constitution of 1824, and our own free institutions. By looking over the signatures to this constitution, as well as the declaration of independence which preceded it, I find an important fact, which may throw some light on the question of boundary. From the municipality or county of Bexar, I find the following names, viz: Francisco Rouis, Antonio Navarro, J. B. Bodgett. From the municipality or county of San Patricio, are the names of John Turner, B. B. Goodrich, Jesse Grimes, J. G. Swisher, G. W. Burnett. Now, sir, by reference to Mitchell's map, which I have before me, I find these municipalities or counties laid down as extending from the Nueces to the Rio Grande; and in Mrs. Holley's Texas, I find a very interesting account of the town of San Patrick, on the west side of the Nueces, and which, I understand, was

the seat of justice of the county of San Patricio, until it was removed to Corpus Christi, by the act of the 18th of January, 1845.

I will read Mrs. Holley's description of San Patrick, written in the year 1836:

"San Patrick.—This is an Irish colony, situated in McMullen's and McGloin's grant, on the right bank of the Nueces. A number of Irish families have settled here, and many others will probably find an asylum, with the certain prospect of plenty and independence. The settlement of Irish colonies in this grant is the great object of the Empresarios, who are themselves 'exiles of Erin.' The Mexican garrison at this place surrendered to the patriots on the 3d October, 1835."

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I shall have occasion, before I close my remarks, to refer to the various acts of the Texan Congress, fixing the times of holding courts in the counties of San Patricio and Bexar, and especially the act of the 24th of May, 1838, establishing the dividing line between them. I will here content myself with the remark, that by that act, the boundary was declared to be a direct line from a certain point on the Rio Frio, thirty miles above its junction with the Nueces, to the town of Laredo, on the left bank of the Rio Grande. I am not now discussing the question as to the boundaries of the department called Bexar or Texas under the Spanish Government, or during the revolutionary struggle of the Mexican people for independence; much less the idle and useless question as to the imaginary boundary, during the period that Texas and Coahuila constituted one State in the Mexican confederacy. I care not whether Coahuila and Tamaulipas were supposed to have theoretical possessions on this side of the Rio Grande prior to the overthrow of the Federal constitution of 1824. If they had such possessions, they lost them when they lost their State sovereignty, by acquiescing in the revolution, and submitting to the degradation of becoming a mere department in Santa Anna's military despotism, with their diminished and curtailed limits. By that act of submission they forfeited all right to require their fellow-citizens on this side of the Rio Grande to become co-sufferers in their degradation. The bond of union was dissolved by their own act, and by their wrong; and the people on this side, in the counties of San Patricio and Bexar, had a right to be represented, as they were represented, in the convention which proclaimed the independence and formed the constitution of the Republic of Texas. The question now to be determined is, what were the boundaries of the Republic, not the department of Texas. I have shown that the first invading army had been captured, and sent beyond the Rio Grande, and that, on the first day of January, 1836, there was not a Mexican soldier on this side of that river. While the Texans were engaged in improving and remodeling their civil institutions, Santa Anna was preparing and organizing a new army of invasion. He crossed the Rio Grande, and entered the settlements of Texas with two invading columns—the one in the direction of San Antonio, and the other upon Goliad. The slaughter of Travis and his fellow-patriots in the Alamo, and the murder of Fannin and his entire command at Goliad, after they had entered into a capitulation and become prisoners of war, foreshadowed the fate of all who might fall into the hands of the Dictator. The work of destruction continued, with fire and sword, until the two hostile armies met on the banks of the San Jacinto. There, on the 21st of April, 1836, the

gallant little Texan army, under the command of the distinguished Senator before me, literally annihilated the Mexican forces, leaving more than one-half of them dead upon the field, and capturing the rest—not allowing even one to escape to tell the tale of the terrible retribution which the God of Battles had inflicted upon them for their merciless crimes. The murderer of Fannin and his men was now a captive pleading for his life in the hands of the Texan General. The generals of the two armies, and the Executives of the two nations, (for such they were now acknowledged to be,) immediately opened negotiations for a treaty of peace, independence, and boundaries. At length, on the 12th of May, 1836, the treaty was signed by President Burnett and his cabinet on the part of the Republic of Texas, and General Santa Anna on the part of Mexico. The caption shows who were the parties to this treaty. I will read it:

“Articles of agreement and solemn compact, made and adopted by James G. Burnet, President of the Republic of Texas, and the undersigned members of the cabinet thereof, on the one part, and Don Antonio Lopez de Santa Anna, President of the Republic of Mexico, and Don Vincente Filisola, general of division, Don José Urea, Don Joaquim Ramirez y Sesma, and Don Antonio Goana, generals of brigades of the armies of Mexico.”

After a preamble, the first article proceeds as follows:

“Therefore, it is agreed by the President Santa Anna, and the Generals Don Vincente Filisola, Don José Urea, Don Joaquim Ramirez y Sesma, and Don Antonio Goana—
“1st. That the armies of Mexico shall, with all practicable expedition, evacuate the territory of Texas, and retire to Monterey, beyond the Rio Grande.”

The second article provides that the Mexican army “shall abstain from all pillage and devastation” on their retreat. I will invite especial attention to the third, and a part of the fourth articles, as follows:

“3d. That the army of Texas are to march westwardly, and to occupy such posts as the commanding general may think proper, on the east side of the Rio Grande or Rio Bravo del Norte.

“4th. That the President Santa Anna, in his official character as chief of the Mexican nation, and the Generals Don Vincente Filisola, Don José Urea, Don Joaquim Ramirez y Sesma, and Don Antonio Goana, as chiefs of armies, do solemnly acknowledge, sanction, and ratify, the full, entire, and perfect independence of the Republic of Texas, with such boundaries as are hereafter set forth and agreed upon for the same.”

The fifth article prescribes the boundaries of the Republic of Texas. I will read so much as relates to the southwestern boundary:

“5th. That the following be, and the same are hereby, established and made the lines of demarcation between the two Republics of Mexico and Texas, to wit: The line shall commence at the estuary or mouth of the Rio Grande, on the western bank thereof, and shall pursue the same bank of the said river to the point where the river assumes the name of the Rio Bravo del Norte, from which point it shall proceed on the said western bank to the head waters, or source of said river, it being understood that the terms Rio Grande and Rio Bravo del Norte apply to and designate one and the same stream.”

The sixth and seventh articles relate to the release of prisoners and the restoration to Texas of all fortresses, artillery, and munitions of war within her limits.

In article eighth, Texas undertakes, in consideration of the foregoing provisions, to spare the life of Santa Anna and his officers, and to restore them to their liberty.

Article ninth is as follows:

“9th. The release of the President Santa Anna shall be made immediately on receiving the signatures of Generals

Don Vincente Filisola, Don José Urea, Don Joaquim Ramirez y Sesma, and Don Antonio Goana, to this agreement, and his conveyance to Vera Cruz as soon afterwards as may be convenient.”

It will be borne in mind, that the generals named in the ninth article were not prisoners, and that after the capture of Santa Anna, General Filisola succeeded to his powers as commander-in-chief of the Mexican army. The remaining articles relate to the mode in which these were to be executed. General Filisola, and the other officers named in the ninth article, did subsequently sign and ratify this treaty; and, in pursuance of it, were permitted to retire, with the forces under their command, in peace and security beyond the Rio Grande. Here ends the history of the second invasion of Texas by Mexico. Like the first, it resulted in the total annihilation of the invading army—its defeat and capture. Texas was now free and independent, without a hostile foot upon her soil. There was not a Mexican soldier to be found on this side of the Rio Grande. Those who survived the battle of San Jacinto, and returned to their own country, did so by the permission of the Texan army, and under the sanctity of a treaty stipulation that the Rio Grande should forever remain the line of “demarcation between the two Republics of Mexico and Texas.” It does seem to me that I might stop here with safety, and rest the question of the boundary of the Rio Grande upon the incontrovertible facts which I have brought to the notice of the Senate. But, sir, I am well aware, that while no Senator will controvert the truth of any one material fact which I have stated, or the fairness and impartiality with which all my facts have been presented, yet it will be said that the treaty to which I have alluded was not binding upon the Mexican nation, because Santa Anna was a prisoner of war, in captivity, at the time of its execution. I do not deem it necessary to make an argument on this point, so far as Santa Anna is himself concerned, for it can make no difference with the result. General Filisola, and the other generals who subsequently signed and ratified that treaty, in conjunction with him, were not prisoners of war—were not in duress or captivity when they executed it. They were at the head of their respective commands, in the full enjoyment of all their faculties, and the free exercise of all their rights, when they signed and ratified the instrument. They acted upon their own judgments and of their own volition, and made no pretext of duress or coercion. If, then, the captivity of Santa Anna deprived him of the faculties of volition and action, Filisola succeeded to his position of commander-in-chief of the army, and was duly invested with all the powers of which he had been deprived. But, sir, I cannot concede that the acts of Santa Anna were not binding upon himself and his Government. We must bear in mind that the Government of Mexico at that time was a military despotism, erected upon the ruins of the Republic, after the Federal constitution had been abolished. Santa Anna was the head of that Government, (if, indeed, he was not the Government itself;) and the people were responsible for his acts, because they had submitted to his rule, and acquiesced in his authority. The government had no rightful existence, and no other authority than that which resulted from violence and power. It had extended its authority, by successful revolution, to the Rio Grande, and

to that extent the people were bound by its acts. It had failed in two successive attempts to establish its power on this side of that river, and the evidence of that failure is to be found recorded in letters of blood in the treaty of San Jacinto, sealed with the impress of the government's captivity, and witnessed by the dead of more than one half of the revolutionary army. The failure of Mexico to conquer and reduce to subjugation, is conclusive evidence of the right of the inhabitants to govern themselves. This treaty is an acknowledgment of that right, and, as such, is good evidence of the independence and boundaries of the Republic of Texas. I do not insist that the treaty conferred any new rights upon Texas, either in respect to her independence or limits; for they existed before the treaty was signed and independent of its provisions. Her inalienable right of independence resulted from the subversion of the constitutional government of the Mexican confederacy; the fact of independence, with the boundary of the Rio Grande, was evidenced by the total annihilation of every revolutionary army which had presumed to enter her territory, and the expulsion of every hostile foot from her soil. The treaty is a valid acknowledgment of both the right and the fact. It was entered into for a consideration, which, it is reasonable to suppose, was not only desirable, but invaluable to Mexico. The life of her Chief Magistrate, and the safety of thousands of her soldiers and officers, depended upon it, and were secured by it. In fact, the whole conduct of the Government of Mexico, from the date of that treaty through a long series of years, has clearly shown that she regarded the Rio Grande as the boundary of Texas: but claimed the right of reconquest, as she is pleased to term it, inasmuch as the treaty had not been ratified according to the forms of the constitution, which had been abolished nearly two years previous. Texas was permitted to remain in the undisturbed possession of the territory for years. Invasion and conquest were constantly threatened, but no attempt was ever made to carry the threat into execution by a regularly-appointed army until the year 1842, six years after the battle and treaty of San Jacinto. In that year, General Vascus ventured to cross the Rio Grande, and, by a rapid movement, succeeded, on the 6th of March, in reaching and plundering San Antonio. The Texans instantly seized their arms, and prepared to chastise and repulse the invaders. The result is thus recorded in Green's Mier Expedition:

"A large number had already assembled under their veteran leader, General Edward Burleson, always the first in the field and foremost in the fight. *THE ENEMY FLED BEFORE THEM TO THE RIO GRANDE, one hundred and fifty miles distant.*"

This was the end of the third regular invasion of Texas by Mexico. The invading army only escaped the fate of the two preceding ones by a hasty flight before the Texans across the Rio Grande. Now for the fourth and last invasion which Mexico ever attempted, unless, indeed, the marauding party under Canales, which was promptly met and repulsed, is entitled to the dignity of that designation. About the 1st of September, 1842, General Woll crossed the Rio Grande with his army, and, by rapid marches, took possession of San Antonio on the 11th of that month. A few days afterwards he succeeded in capturing

and murdering a small party of Texans in the vicinity of that place. For the result of this invasion, I will invite the attention of the Senate to the passages which I will read from the work I have just quoted:

"After the massacre of Dawson and his men, General Woll made a triumphal entry into San Antonio with his fifteen prisoners and some two hundred of his own wounded, and prepared for a hasty retreat towards the Rio Grande. This retreat was greatly hastened upon hearing that Colonels Mayfield, Moore, and McCullough, and others, were coming up with reinforcements to Caldwell. With all General Woll's hurry in his flight homeward, at the Rio Hondo he found Caldwell upon his heels. His retreat became a flight and a panic; and had the Texans charged him, as all now agree, and as all then seemed to be anxious to do, his whole force would have fallen an easy prey. Much has been said against Caldwell and others for not so doing; and the blame has been charged upon several; but the writer has not been able to satisfy his mind that any particular individual was to blame. It seems to be one of those mischances in war, more the result of accident, or the want of promptness, than the absence of bravery. *It was, however, a national misfortune that he was permitted to escape to the west side of the Rio Grande, after murdering forty-one, and carrying off sixty-seven of our best citizens.*"

Thus ended the fourth and last invasion of Texas by Mexico. If at any time marauding parties ever crossed the Rio Grande and approached the settlements, their flight, before Hays's and McCullough's rangers, was more rapid than their original march. The repulse and retreat of General Woll's army in the fall of 1842, again left Texas in the undisputed enjoyment of her whole territorial limits, as defined in the treaty of San Jacinto, and vindicated by her arms whenever invaded, since the date of General Cos's capitulation in 1835. I have said that Hays and McCullough always held the marauding parties in check, and repulsed them whenever they invaded the country. On this point I will read a paragraph from the speech of Mr. KAUFMAN, of Texas, in the House of Representatives, on the 27th of June, 1846:

"Indeed, the Texas rangers, under the gallant Hays and McCullough, have for years held undisputed sway over that territory, [the country between the Nueces and the Rio Grande,] and we have had such occupation of it as the condition and wants of our population permitted and required. *No Mexican forces have ever been stationed on the left [of the Rio Grande]—all their war manifestoes are dated on the right.*"

I am aware that I am accumulating evidence on this point beyond what ought to be required to convince the most incredulous mind. Yet I must be permitted to call the attention of the Senate to one item more: I allude to the armistice which was concluded between the Governments of Mexico and Texas, on the 15th of February, 1844, and the proclamation of General Woll, announcing the reopening of hostilities from and after the 11th of June of that year. The hostilities which were reopened existed only on paper, if we except the cruel and barbarous treatment of the Texan prisoners who had been so unfortunate as to fall into the hands of the Mexicans in the previous campaigns. General Woll, acting under the express orders of the Mexican Government, at Mier, June 20, 1844, issued an order or proclamation, of which the third section is as follows:

"3. Every individual who may be found at the distance of one league from the left bank of the Rio Bravo [Rio Grande,] will be regarded as a *favorer and accomplice of the usurpers of that part of the national territory, and as a traitor to his country.*"

This order is important in two points of view: first, that while Mexico claimed the whole of Tex-

as, as her national territory, she at that time regarded and acknowledged the Rio Bravo, or Grande, as the boundary. She had previously declared the inhabitants of Texas rebels and traitors, who were to be put to immediate death; and by this order that sentence was applied to every person, whether Mexican or Texan, who should be found at the distance of three miles from the Rio Grande, upon the ground that the fact of being there was conclusive evidence that they favored the Texan cause. A Mexican might cross the river to the left bank, and save his life by showing that he was not a Texan; but if he went one league from the Rio Grande, death was his portion, and no excuse or explanation would be received. The next point upon which this order is important, is to be found in the fact of its express acknowledgment, that the Texans were in possession of the country:

"Every individual who may be found at the distance of one league from the left bank of the Rio Bravo, will be regarded as a favorer and accomplice of the USURPERS OF THAT PART OF THE NATIONAL TERRITORY."

It appears, then, that the Texans had *usurped* the territory on the left bank of the Rio Bravo, or Grande. To usurp, according to Webster, is "*to seize and hold in possession by force or without right.*" I have already disposed of the question as to the right of Texas "*to seize and hold in possession by force*" the country between the Nueces and the Rio Grande; and it is sufficient for my purpose that Mexico, in 1844, acknowledged the fact that Texas had seized and did then hold it in possession by force. I have now traced, with a minuteness which I fear has been tedious, every important fact, bearing upon the question of boundary, since the subversion of the federal constitution of 1824. In the examination of this subject, my mind has been powerfully impressed by the circumstance, that in every invasion which Mexico has ever made of the territory of Texas, the Rio Grande has been uniformly mentioned as the line which the army crossed, and beyond which it retreated whenever it was permitted to escape. The same may be said of the capitulations and treaties with the two captive armies. The Nueces is not even alluded to, nor can the name be found in any one of them. This circumstance is a powerful argument of itself, and is forced to make a deep impression upon the mind of every impartial man.

Having shown that Mexico has never held any portion of the country this side of the Rio Grande (of course I speak of the lower Rio Grande) since the subversion of the constitution of 1824, and that Texas has promptly repelled every invasion of her territory, I now propose to show that she has occupied and governed it by her civil institutions during that whole period. I have already shown that every Mexican garrison between the Nueces and the Rio Grande, as well as in all other portions of Texas, was reduced and captured in the fall of 1835—that the counties of San Patricio and Bexar were represented in the convention which established the provisional government in November, 1835, and also in the convention which declared the independence, and formed the constitution of the Republic of Texas in March, 1836—and that by that constitution each of those counties constituted a congressional district, with the

right of sending representatives and senators to the Congress of the Republic. I have referred also to the act of the Texan Congress of the 24th of May, 1838, defining with greater certainty the dividing line between those counties from the Nueces to the Rio Grande, and confirming the surveys of land which had been made by the county surveyors of both respectively. On the 19th of December, 1836, the Congress of Texas passed an act defining the boundaries of the Republic, and adopting those designated in the treaty of San Jacinto. On the 4th of February, 1842, an act was passed fixing the times of holding the higher courts in the counties of San Patricio and Bexar, and for other purposes. On the 18th of January, 1844, another act was passed regulating the times of holding courts in those counties; and on the 31st of December, 1844, an act was passed changing the times of holding courts in those counties. On the 18th of January, 1845, an act was passed removing the seat of justice of San Patricio county to Corpus Christi, and providing for the appointment of a presiding judge of the county court. On the 1st of February, 1845, an act providing for the resurvey of all the land in the counties of San Patricio and Refugio, the title of which was derived from the Mexican Government or the State of Coahuila and Texas, and for returning the plats to the general land office of Texas. I have all these acts before me, but will not stop to read them, unless desired by some Senator. During the whole of the period from the establishment of the Republic, these counties were represented in the Congress of Texas. They were also represented in the convention of the people of Texas, which agreed to the terms of annexation, and which formed the constitution of the State of Texas, with which she was admitted into our Federal Union. I hold in my hand the present constitution of Texas—the same upon which our act of Congress was founded, admitting her into the Union as a State, upon an equal footing with the original States; and, in the 30th section of the 3d article, I find that the county of San Patricio is constituted a representative district with one representative, and the county of Bexar with two representatives; and in the thirty-second section of the same article is the following provision: "The county of Bexar, the eighteenth district, shall elect one senator. The counties of Goliad, Refugio, and San Patricio, the nineteenth district, shall elect one senator."

The third section of the thirteenth article is as follows:

"SECTION 3d. All laws and parts of laws now in force in the Republic of Texas, which are not repugnant to the Constitution of the United States, the joint resolutions for annexing Texas to the United States, or to the provisions of this constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation, or shall be altered or repealed by the Legislature thereof."

Now, sir, this provision ratifies and continues in force all the acts of the Texan Congress to which I have referred—the act declaring the Rio Grande to be the boundary of the Republic—the act establishing the boundary lines of counties from the Nueces to the Rio Grande—the several acts providing for the surveys of lands and fixing the times of holding courts in those counties—all are confirmed by this section of the constitution. The Congress of the United States must be presumed

to have been familiar with these laws and this section of the constitution, when the act was passed admitting her into the Union. This presumption is greatly strengthened by the fact, that within a few days after the admission of Texas, Congress passed an act extending our revenue laws over the territory of the State, and establishing a port of delivery, among other places, at Corpus Christi, in the county of San Patricio.

I have now concluded all I have to say on the question of boundary. Whether I have succeeded in establishing the boundary of the Rio Grande, is for the Senate and the country to judge. One thing is certain: Mexico never dreamed of any other boundary than that of the Rio Grande or the Sabine. She was in possession of the country to the Rio Grande, and claimed the right to conquer to the Sabine. This was the position of Mexico towards Texas, as stated by herself, when the latter was annexed to this country and admitted into the Union.

The question now arises, who commenced the present war—the United States or Mexico? This seems to be a disputed point between the two great political parties in this country, although the governments of the two belligerent countries agree in relation to it. Our Government has officially declared, in the form of a solemn law, all the departments concurring, that the war was commenced by “the act of Mexico.” This is our statement of the question. Now for the Mexican side of the case, as stated by her President and Ministers of War and Foreign Affairs. I read from the President’s annual message of December 8, 1846.

“The apprehensions of a contemplated Mexican invasion have been since fully justified by the event. The determination of Mexico to rush into hostilities with the United States was afterwards manifested from the whole tenor of the note of the Mexican Minister of Foreign Affairs to our minister, bearing date on the 12th of March, 1846. Paredes had then revolutionized the government, and his minister, after referring to the resolution for the annexation of Texas, which had been adopted by our Congress in March, 1845, proceeds to declare, that ‘a fact such as this, or, to speak with greater exactness, so notable an act of usurpation, created an imperious necessity that Mexico, for her own honor, should repel it with proper firmness and dignity. The Supreme Government had beforehand declared, that it would look upon such an act as *casus belli*; and, as a consequence of this declaration, negotiation was, by its very nature, at an end, and war was the only recourse of the Mexican Government.’

“It appears, also, that on the 4th of April following, General Paredes, through his Minister of War, issued orders to the Mexican General in command on the Texan frontier to ‘attack’ our army ‘by every means which war permits.’ To this General Paredes had been pledged to the army and people of Mexico during the military revolution which had brought him into power. On the 18th of April, 1846, General Paredes addressed a letter to the commander on that frontier, in which he stated to him, ‘At the present date, I suppose you at the head of that valiant army, either fighting already, or preparing for the operations of a campaign;’ and ‘supposing you already on the theatre of operations, and with all the forces assembled, it is indispensable that hostilities be commenced, yourself taking the initiative against the enemy.’

Thus we find that the Mexican Minister of Foreign Affairs, on the 12th of March, 1846, notified our minister, that “NEGOTIATION WAS, BY ITS VERY NATURE, AT AN END, AND WAR WAS THE ONLY RECOURSE OF THE MEXICAN GOVERNMENT;” and that on the 18th day of April, 1846, the President of Mexico instructed the general of the Mexican army that it was “*indispensable that hostilities be commenced, YOURSELF TAKING THE INI-*

TIATIVE AGAINST THE ENEMY.” Mexico avows the act. It is her pride and boast that she commenced the war—that she took the “initiative,” and struck the first blow. She makes no complaint of General Taylor’s march from Corpus Christi to the Rio Grande. She knew nothing of that movement at the time she gave orders for the commencement of hostilities. Her complaint was, that our armies were stationed on the west side of the Sabine—that we had incorporated the country between the Sabine and the Rio Grande into our Union, and deprived her of the right which she claimed of reconquest. This was her grievance; and for this grievance she boasted that she had the chivalry to make war against the United States, and take the initiative. She knew nothing of the distinctions in the strength of her title on the one side or the other of the Nueces until she found it explained in the speeches of American Senators. Those speeches are the foundations of her better title to the country west than east of that river. Up to the commencement of this war, the name of the Nueces river cannot be found in any Mexican document—civil or military—addressed to this country or Texas, in which she claims a better or any other title to that river than to the Sabine. Her separate title to the Nueces is a Whig title, originating in this country, and derived from Whig newspapers and speeches, and adopted by the Mexican authorities, for the first time, in the negotiation with Mr. Trist “on the Chapultepec causeway.” She now claims it, because she is told that it is hers; but she is unable to comprehend, much less explain, upon what principles her separate and better title rests. I repeat, that this line of the Nueces was manufactured in this country, for the purpose of erecting a platform from which to assail the President of the United States, and through him the Democratic party. The idea was conceived after the passage of the act of the 13th of May, 1846, recognizing “a state of war by the act of Mexico,” and by gentlemen who voted for that law. Why did they not then tell us that the President had invaded the territory of Mexico in violation of the Constitution of the United States, and instruct him to withdraw the army within the line of our rightful boundary, instead of furnishing ten millions of dollars and fifty thousand men to prosecute the invasion to the vitals of Mexico? I suppose the answer will be, if any answer shall be made, that they at that time were as ignorant as Mexico herself of the existence of any better title to the one side than the other of the Nueces.

But, sir, there is one point more to which I wish to address a few remarks. It is strenuously insisted, here and elsewhere, that the letter of the Secretary of War, of the 13th of January, 1846, ordering General Taylor from Corpus Christi to the Rio Grande, was the real cause of the war. Some go so far as to charge the President with giving the order for the purpose of producing war; while others, who are more charitable, content themselves with saying that it was an act so imprudent and reckless, that any man in his senses ought to have known that war would have been the inevitable consequence. It often becomes necessary in military movements, on a theatre remote from the capital, to trust much to the superior local knowledge and discretion of the com-

manding general in respect to the proper disposition of the forces under his command. Such was the case in this instance. General Taylor was put in full possession of the views of the Government, in sending him to Texas, and left to select his own position. Those views were, the defence of the western boundary of Texas from invasion, and the preservation of friendly relations with Mexico, if possible. He selected his position at Corpus Christi, and after remaining there several months, on the 4th of October, 1845, he wrote to the department as follows:

"SIR: I beg leave to suggest some considerations in relation to the present position of our force, and the dispositions which may become necessary for the more effectual prosecution of the objects for which it has been concentrated."

After a detailed exposition of the reasons for the recommendation which he was about to make, he proceeds as follows:

"For these reasons, our position thus far has, I think, been the best possible; but now that the entire force will soon be concentrated, it may well be a question whether the *views of Government will be best carried out by our remaining at this point*. It is with great deference that I make any suggestions on topics which may become matter of delicate negotiation; but if our Government, in settling the question of boundary, makes the line of the Rio Grande an ultimatum, *I cannot doubt that the settlement will be greatly facilitated and hastened by our taking possession at once of one or two suitable points on, or quite near, that river*. Our strength and state of preparation should be displayed in a manner not to be mistaken. However salutary may be the effect produced upon the border people by our presence here, we are too far from the frontier to impress the Government of Mexico with our readiness to vindicate by force of arms, if necessary, our title to the country as far as the Rio Grande. The 'army of occupation' will in a few days be concentrated at this point, in condition for vigorous and efficient service. Mexico having as yet made no positive declaration of war, or committed any overt act of hostilities, *I do not feel at liberty, under my instructions, particularly those of July 8, to make a forward movement to the Rio Grande without authority from the War Department.*"

These are the recommendations of General Taylor: "I cannot doubt that the settlement will be greatly facilitated and hastened by our taking possession at once of one or two suitable points on, or quite near, that river," the Rio Grande. "I do not feel at liberty, under my instructions, particularly those of the 8th of July, to make a forward movement to the Rio Grande, without authority from the War Department." General Taylor was the commanding general on the theatre of action. He had better opportunities of knowing the movements, intentions, and feelings of the Mexicans, than any one else. He had previously, July 20, 1845, given the department this assurance: "and the department may rest assured that I will take no step to interrupt the friendly relations between the United States and Mexico." Relying upon the faith of this assurance, and upon his better means of information, the department complied with his request, and gave him the desired order "for a forward movement to the Rio Grande." General Taylor had recommended it as a peace measure, calculated to facilitate and hasten the settlement of the boundary question; and in that view, and on that recommendation, the order was given. It is clear, therefore, that General Taylor, and he alone, is responsible for that order. If it was right and wise, his is the merit; and if it was wrong, he ought—as I have no doubt he is perfectly willing—to take the responsibility. I have no doubt that the order was an act of policy and wisdom—nay, of necessity.

But, sir, who are the men that condemn this order, and for what purpose is the condemnation made at this time? They are the professed advocates of the election of General Taylor to the Presidency, and the order is condemned for the purpose of making political capital for themselves and their candidate, against the Democratic party. Under the influence of the same patriotic motives, it has suddenly been discovered, by a portion of those who voted for the war, that it was unjust, unnecessary, and unconstitutional. They can see no hope of rescuing the ship of state from the hands of the wicked rulers who are directing its course, except by the elevation to the Presidency of a man, whose very name has been introduced to the knowledge of the civilized world only by his extraordinary success in shedding human blood in an unjust cause! By denouncing the war as a scheme of rapine and robbery, they, in effect, charge Generals Taylor and Scott, and all the officers and men under their command, with being a band of successful robbers, murderers, and pirates, whose only title to the gratitude of their countrymen is derived from a series of unparalleled triumphs in violation of the Constitution of their country, over a weak and an unoffending people! Should it hereafter be to us a matter of surprise to hear all Europe, whose jealousy has been aroused by our growing greatness and importance among the nations of the world, denounce us as a nation of robbers and pirates, when they can refer to the speeches of American Senators for the truth and justice of their statements? Suppose gentlemen succeed in making the world believe that the war in which we are engaged, and which has been sanctioned by the nation according to all the forms and solemnities known to the Constitution, is unnecessary and unjust—a war of rapine and robbery—their only triumph of which they can boast will be, that they have rendered the name and the fame of their country infamous in the eyes of Christendom. Whose heart did not swell and pulsate with patriotic pride as he heard the shout of the glorious victories achieved by our countrymen wafted from the plains and mountains of Mexico, striking terror to the hearts of all enemies of republican institutions, and demonstrating that ours is the first military, as well as civil power, upon the globe? Sir, I shall never forget the proud and grateful emotions of my own breast, when the response was heard from all parts of the Union to the call for volunteers in the summer of 1846, showing that more than three hundred thousand had tendered their services, when only fifty thousand could be received. Was that response prompted by a love of plunder and robbery; or was it a patriotic response from the hearts of freemen, burning with a fervent desire to avenge their country's wrongs and vindicate her rights? Shall it be said that in republican America the only sentiment which can animate and arouse the whole people—which can quell partisan strife and obliterate party distinction, for a time—is an insatiable lust for rapine and robbery, upon our unoffending and unfortunate neighbors? Such must be the fruits of the victory, if gentlemen triumph in the efforts they are now making in regard to this war. All the emotions of my heart and the feelings of my nature revolt at the idea. National and State pride rebels at the thought. My own State has

sent nearly seven thousand men to this war, and has offered up more lives on the field of battle, and sacrificed more by the diseases of the country, than any other State in the Union. Their patriotic deeds of noble daring have shed honor upon the State, as well as glory upon the American arms. I feel grateful to them—the living and the dead—for the services they have rendered and the renown they have won. Every other State has had its share in the glory of this war. If they have not furnished as many men, it was because the Government declined to receive them. All have done their duty, and all ought to feel proud of their achievements.





